***THE HON'BLE MR JUSTICE L.NARASIMHA REDDY**

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W.P.No.26118 of 2005

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% 13.12.2005

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Between:

K. Simhadri,

Prakasam District

…Petitioner

AND

Regional Manager, APSRTC,

Ongole and another

…Respondents

! Counsel for the Petitioner: Sri M.Ravindranath Reddy

^ COUNSEL FOR THE RESPONDENTS: R.Manmadha Reddy, Standing Counsel

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> Head Note:

? CITATIONS:

THE HON'BLE SRI JUSTICE L. NARASIMHA REDDY

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Dated 13-12-2005

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ORDER:

The petitioner is a displaced employee, on account of a nationalisation of a Bus service. The other employees, who were engaged by the owner of the bus, were taken into service, with effect from 18-02-1987. However, the case of the petitioner was not considered, on certain grounds. Thereupon, the petitioner filed W.P.No.1981 of 1987, which was disposed of on 21-04-1988, with a direction to the respondents to consider the case of the petitioner also. In compliance with the same, the respondents appointed the petitioner as Conductor on 16-02-1989.

Petitioner filed W.P.No.16141 of 1994, claiming the relief of seniority with effect from 18-02-1987. The writ petition was allowed and the respondents were directed to fix the seniority in the post of Conductor with effect from18-02-1987.

An application, under Section 33 C (2) of the Industrial Disputes Act (for short 'the Act') was filed by the petitioner before the Labour Court, Guntur, as Miscellaneous Petition No.19 of 2003. He pleaded that in view of the orders passed by this Court in W.P.No.16141 of 1994, his scale of pay ought to have been fixed on par with the other persons appointed on 18-02-1987, and that he is entitled to be paid the arrears of salary on that count. The Labour Court rejected the application through its order dated 05-09-2005. Hence, this writ petition.

Sri M.Ravindranath Reddy, learned counsel for the pettiioner submits that the view taken by the Labour Court cannot be supported in law. He contends that the relief granted to the petitioner in W.P.No.16141 of 1994 was declaratory in nature, and the Labour Court was under obligation to grant the relief under Section 33 C (2) of the Act.

Learned Standing Counsel for the respondents, on the other hand, submits that the scope of application under Section 33 C (2) is very limited, and unless there existed an earlier adjudication, determining the right of the party, no relief can be granted in that.

The petitioner filed W.P.No.16141 of 1994, for the relief of granting seniority with effect from 18-02-1987. No other ancillary or consequential relief was prayed for. The said relief was granted through an order dated 04-12-1997. The order came to

be implemented; the moment the petitioner was granted seniority with effect from that date. The petitioner does not complain that the order of this Court was not complied with.

By its very nature, the jurisdiction of a Labour Court under Section 33 C (2) of the Act is very limited. Neither any independent relief can be granted, nor the Labour Court can exceed the scope and ambit of the order that is relied upon, by the workman.

In the instant case, the petitioner claimed the relief on the strength of an order passed by this Court in W.P.No.16141 of 1994. As observed earlier, the only relief granted to the petitioner in that writ petition was, fixing the seniority with effect from 18-02-1987. Neither any consequential nor any attendant benefit, in relation to the same was granted. The relief of fixation of seniority with effect from a particular date, can not, by itself, result in any monetary benefit, in the absence of the consequential directions. The Labour Court was in fact helpless, in granting any relief to the petitioner. Therefore, no exception can be taken to the order passed by the Labour Court.

The writ petition is accordingly dismissed. It is however, made clear that in case the petitioner can enforce his right, in any other forum, as permissible in law, this order does not come in his way. There shall be no order as to costs.

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L. NARASIMHA REDDY, J.

Dt.13-12-2005.

Note:

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